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By: **Delegates Quinter, Cluster, Amedori, Bromwell, DeBoy, Dumais,  
Feldman, Haddaway, Hennessy, Hubbard, Impallaria, Malone,  
McDonough, Moe, O'Donnell, Petzold, and Simmons**

Introduced and read first time: January 29, 2004

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Assault against a Law Enforcement Officer - Penalties**

3 FOR the purpose of establishing the felony of assault in the second degree for a  
4 person who intentionally causes a physical injury to another person if the person  
5 knows or has reason to know that the other person is a law enforcement officer  
6 engaged in the performance of the officer's official duties; providing certain  
7 criminal penalties; providing that the District Court has jurisdiction that is  
8 concurrent with a circuit court in criminal cases involving certain assaults  
9 against law enforcement officers; defining certain terms; and generally relating  
10 to certain assaults against law enforcement officers.

11 BY repealing and reenacting, without amendments,  
12 Article - Public Safety  
13 Section 3-101(e)  
14 Annotated Code of Maryland  
15 (2003 Volume)

16 BY adding to  
17 Article - Criminal Law  
18 Section 3-203.1  
19 Annotated Code of Maryland  
20 (2002 Volume and 2003 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Courts and Judicial Proceedings  
23 Section 4-301(b)(19) and (20) and 4-302(a) and (d)(1)  
24 Annotated Code of Maryland  
25 (2002 Replacement Volume and 2003 Supplement)

26 BY adding to  
27 Article - Courts and Judicial Proceedings

1 Section 4-301(b)(21)  
2 Annotated Code of Maryland  
3 (2002 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Public Safety**

7 3-101.

- 8 (e) (1) "Law enforcement officer" means an individual who:
- 9 (i) in an official capacity is authorized by law to make arrests; and
  - 10 (ii) is a member of one of the following law enforcement agencies:
    - 11 1. the Department of State Police;
    - 12 2. the Police Department of Baltimore City;
    - 13 3. the Baltimore City School Police Force;
    - 14 4. the Baltimore City Watershed Police Force;
    - 15 5. the police department, bureau, or force of a county;
    - 16 6. the police department, bureau, or force of a municipal  
17 corporation;
    - 18 7. the office of the sheriff of a county;
    - 19 8. the police department, bureau, or force of a bicounty  
20 agency;
    - 21 9. the Maryland Transportation Authority Police;
    - 22 10. the police forces of the Department of Transportation;
    - 23 11. the police forces of the Department of Natural Resources;
    - 24 12. the Field Enforcement Division of the Comptroller's  
25 Office;
    - 26 13. the Housing Authority of Baltimore City Police Force;
    - 27 14. the Crofton Police Department;
    - 28 15. the police force of the Department of Health and Mental  
29 Hygiene;

- 1 16. the police force of the Department of General Services;  
 2 17. the police force of the Department of Labor, Licensing, and  
 3 Regulation;  
 4 18. the police forces of the University System of Maryland;  
 5 19. the police force of Morgan State University; or  
 6 20. the office of State Fire Marshal.

7 (2) "Law enforcement officer" does not include:

8 (i) an individual who serves at the pleasure of the Police  
 9 Commissioner of Baltimore City;

10 (ii) an individual who serves at the pleasure of the appointing  
 11 authority of a charter county;

12 (iii) the police chief of a municipal corporation; or

13 (iv) an officer who is in probationary status on initial entry into the  
 14 law enforcement agency except if an allegation of brutality in the execution of the  
 15 officer's duties is made.

16 **Article - Criminal Law**

17 3-203.1.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 19 INDICATED.

20 (2) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN §  
 21 3-101(E) OF THE PUBLIC SAFETY ARTICLE.

22 (3) "PHYSICAL INJURY" MEANS ANY IMPAIRMENT OF PHYSICAL  
 23 CONDITION, EXCLUDING MINOR INJURIES.

24 (B) A PERSON MAY NOT INTENTIONALLY CAUSE PHYSICAL INJURY TO  
 25 ANOTHER PERSON IF THE PERSON KNOWS OR HAS REASON TO KNOW THAT THE  
 26 OTHER PERSON IS A LAW ENFORCEMENT OFFICER ENGAGED IN THE PERFORMANCE  
 27 OF THE OFFICER'S OFFICIAL DUTIES.

28 (C) A PERSON WHO VIOLATES SUBSECTION (B) OF THIS SECTION IS GUILTY OF  
 29 THE FELONY OF ASSAULT IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT  
 30 TO IMPRISONMENT NOT EXCEEDING 15 YEARS OR A FINE NOT EXCEEDING \$5,000 OR  
 31 BOTH.

1 **Article - Courts and Judicial Proceedings**

2 4-301.

3 (b) Except as provided in § 4-302 of this subtitle, the District Court also has  
4 exclusive original jurisdiction in a criminal case in which a person at least 18 years  
5 old or a corporation is charged with:

6 (19) Violation of § 8-604 of the Criminal Law Article; [or]

7 (20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article; OR

8 (21) VIOLATION OF § 3-203.1 OF THE CRIMINAL LAW ARTICLE.

9 4-302.

10 (a) Except as provided in § 4-301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13),  
11 (14), (15), (16), (17), (18), (19), [and] (20), AND (21) of this subtitle, the District Court  
12 does not have jurisdiction to try a criminal case charging the commission of a felony.

13 (d) (1) Except as provided in paragraph (2) of this subsection, the  
14 jurisdiction of the District Court is concurrent with that of the circuit court in a  
15 criminal case:

16 (i) In which the penalty may be confinement for 3 years or more or  
17 a fine of \$2,500 or more; or

18 (ii) That is a felony, as provided in § 4-301(b)(2), (6), (7), (8), (9),  
19 (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), [and] (20), AND (21) of this subtitle.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2004.